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DECISION AND ORDER
OF THE BOARD OF PSYCHOLOGY

The surrender of California Psychologist's License No. PSY 3549, by respondent Clifford Marks Ph.D. is hereby accepted by the Board of Psychology, Department of Consumer Affairs, State of California.

This decision shall become effective on August 12, 2001, 2001.

It is so ordered this 13th day of July, 2001.

M. R. Greenberg
For the Board of Psychology
Department of Consumer Affairs
Martin R. Greenberg, Ph.D.

1 filed a Notice of Defense within the time allowed by section 11506 of the code.

2 3. Respondent has received and read the Accusation and Petition to Revoke
3 Probation ("Accusation") which is presently on file as Board of Psychology Case No.
4 1F-2000-113272 Consolidated with Case No. 1F-1991-9763. Respondent understands the nature
5 of the charges alleged in the Accusation and that the charges and allegations constitute cause for
6 imposing discipline upon respondent's license to practice psychology which was issued by the
7 Board and revoking his stayed probationary status. (Copies of the Accusation are attached hereto
8 as Exhibit "A.")

9 4. Respondent is aware of each of his rights, including the right to a hearing
10 on the charges and allegations, the right to confront and cross-examine witnesses who would
11 testify against respondent, the right to present evidence in his favor and call witnesses on his
12 behalf, or to testify, his right to contest the charges and allegations, and other rights which are
13 accorded to respondent pursuant to the California Administrative Procedure Act (Gov. Code, §
14 11500 et seq.), including the right to seek reconsideration, review by the superior court, and
15 appellate review.

16 5. Respondent freely and voluntarily waives each and every one of the rights
17 set forth in paragraph 4.

18 6. Respondent understands that in signing the stipulation rather than
19 contesting the Accusation, he is enabling the Division to issue the following order without
20 further process.

21 7. For the purpose of resolving Accusation Case No. 1F-2000-113272
22 Consolidated with Case No. 1F-1991-9763, respondent admits the truth and accuracy of each of
23 the allegations in the Accusations. Respondent hereby gives up his right to contest those charges
24 alleged in the Accusations and agrees to surrender his license for the Board's formal acceptance.

25 8. Respondent understands that by signing this stipulation he is enabling the
26 Board to issue its order accepting the surrender of his psychology license PSY 3549 without
27 further process. He further understands and agrees that if he ever files an application for
relicensure or reinstatement of his psychology license in the State of California, or for any other

1 license issued by the Board, the Board of Behavioral Science, the Medical Board of California,
2 or any other state agency which regulates any aspect of the health care profession in the State of
3 California, the Board shall treat it as a petition for reinstatement, and respondent must comply
4 with all the laws, regulations and procedures for reinstatement of a revoked license in effect at
5 the time the petition is filed. In addition, respondent understands and agrees that all of the
6 charges and allegations contained in Accusation No. No. 1F-2000-113272 Consolidated with
7 Case No. 1F-1991-9763 will be deemed true, correct and admitted by respondent for the purpose
8 of any Statement of issues, Petition for Reinstatement proceeding, or any other proceeding when
9 the Board determines whether to grant or deny the petition. Respondent is further aware that he
10 will be required to reimburse the Board for any and all investigative and prosecution costs prior
11 to any reinstatement. That amount is \$1,757.24.

12 9. It is understood by respondent that, in deciding whether to adopt the
13 stipulation, the Board may receive oral and written communications from its staff and the
14 Attorney General's office. Communications pursuant to this paragraph shall not disqualify the
15 Board or other persons from future participation in this or any other matter affecting respondent.
16 In the event this settlement is not adopted by the Board, the stipulation will not become effective
17 and may not be used for any purpose, except for this paragraph, which shall remain in effect.

18 10. Respondent understands that upon acceptance of the stipulation by the
19 Board, he will no longer be permitted to practice as a psychologist in California. Respondent
20 shall relinquish his wall and pocket certificate of licensure or registration to the Board or its
21 designee upon request once this Decision becomes effective.

22 11. This Stipulation in Settlement and Decision is intended by the parties herein
23 to be an integrated writing representing the complete, final and exclusive embodiment of the
24 agreements of the parties.

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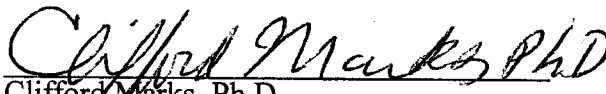
12. The parties agree that facsimile copies of this Stipulation, including facsimile signatures of the parties, may be used in lieu of original documents and signatures. The facsimile copies will have the same force and effect as originals.

13. Based upon the foregoing, it is stipulated and agreed that the Board may issue the following as its decision in this case.

ACCEPTANCE

I have carefully read and fully understand the stipulation and order set forth above. I have had an opportunity to discuss the terms and conditions set forth in the stipulation and order with an attorney. I understand that in signing this stipulation I am waiving my right to a hearing on the charges set forth in the Accusation on file in this matter. I further understand that in signing this stipulation the Board may enter the foregoing order placing certain requirements, restrictions and limitations on my right to practice ~~medicine~~ ^{psychology/csm, strab} in the State of California.

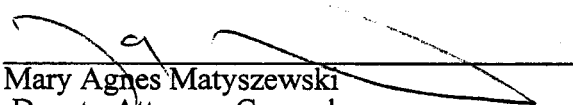
DATED: 5/29/01


Clifford Marks, Ph.D.
Respondent

We concur in the stipulation and order.

DATED: 6-14-01

BILL LOCKYER,
Attorney General
of the State of California


Mary Agnes Matyszewski
Deputy Attorney General
Attorneys for Complainant

///

1 BILL LOCKYER, Attorney General
of the State of California
2 MARY AGNES MATYSZEWSKI,
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3 State Bar No. 137858
Department of Justice
4 110 West A Street, Suite 1100
Post Office Box 85266
5 San Diego, CA 92186-5266
Telephone: (619) 645-3039

6 Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF PSYCHOLOGY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation and Petition to
Revoke Probation Against:

12 **CLIFFORD S. MARKS, Ph.D.**
13 4305 Gesner Street #340
14 San Diego, CA 92117

15 Psychologist's License
No. PSY 3549

16 Respondent.
17

Case No. W200

**ACCUSATION AND PETITION
TO REVOKE PROBATION**

18 Complainant, Thomas O'Connor, as causes for disciplinary action, hereby alleges:
19

PARTIES

20 1. Complainant, Thomas O'Connor, is the Executive Officer of the Board of
21 Psychology, Department of Consumer Affairs, State of California (hereinafter the "Board") and
22 brings this Accusation solely in his official capacity.

23 2. On or about May 5, 1971, Psychologist's License No. PSY 3549 was
24 issued by the Board to Clifford S. Marks, Ph.D. ("Respondent"). An Accusation was filed
25 against respondent on August 11, 1993, with a Supplemental Accusation being filed January 8,
26 1996. A decision in case no. D 5334 became effective on April 24, 1997, which suspended
27 respondent's license for one year in the condition that if/when he passed a psychological
28 evaluation the license would be restored, and respondent would be placed on five years

1 probation. On April 28, 1997, respondent passed the evaluation and his license was placed on
2 five years probation.

3 Respondent's probation was tolled for in state practice on July 27, 1997, and has
4 remained in that tolled status ever since. During this tolled period respondent is not permitted to
5 practice psychology.

6 3. This Accusation and Petition to Revoke Probation is brought before the
7 Board of Psychology (hereinafter the "Board"), under the authority of the following sections of
8 the California Business and Professions Code (hereinafter "Code"):

9 A. Code section 2903 provides, in pertinent part, that no person may
10 engage in the practice of psychology without a license granted under this chapter.

11 B. Code section 2960 provides, in pertinent part, that the Board may
12 order any license revoked, or suspended for a period of up to one year, or impose on that
13 license probationary conditions for, among other things:

14 "..."

15 "..."

16 "(c) Fraudulently or neglectfully misrepresenting the type or status of
17 license or registration actually held;

18 "..."

19 "(n) The commission of any dishonest, corrupt, or fraudulent act ..."

20 C. Code section 125.3 provides, in part, that the Board may request
21 the administrative law judge to direct any licentiate found to have committed a violation
22 or violations of the licensing act, to pay the Board a sum not to exceed the reasonable
23 costs of the investigation and enforcement of the case.

24 4. Further, this Accusation and Petition to Revoke Probation is brought
25 before the Board pursuant to the provisions of the Board's Decision in Case No. D 5334, which
26 suspended respondent's license for one year or until he passed a psychological evaluation which
27 he did, after which his license was placed on probation for five years. Respondent's probation

28 ///

1 was tolled on July 27, 1997, after which time he has not been authorized to practice psychology
2 in the state of California.

3 **FIRST CAUSE FOR DISCIPLINE**

4 (Unlicensed Practice of Psychology)

5 5. Respondent Clifford S. Marks, Ph.D. is subject to disciplinary action on
6 account of the following:

7 A. Following the filing of an Accusation and Supplemental Accusation
8 a decision of the Board became effective on April 24, 1997, which suspended
9 respondent's license for one year on the condition that if/when he passed a psychological
10 evaluation the license would be restored, and respondent would be placed on five years
11 probation.

12 B. On April 28, 1997, respondent passed the evaluation and his license
13 was placed on five years probation.

14 C. Respondent's probation was tolled for in state practice on July 27,
15 1997, and has remained in that tolled status ever since. During this tolled period
16 respondent is not permitted to practice psychology.

17 D. On or about April 2000 through June 2000, respondent provided
18 psychological services for Senior Psychology Services in San Diego.

19 E. Prior to his working at Senior Psychology Services, and after having
20 his license suspended and placed on probation, respondent completed an employment
21 application on which he indicated that his professional license had never been suspended,
22 revoked, or otherwise disciplined by the licensing authority of any state.

23 6. Respondent Clifford S. Marks, Ph. D., is subject to disciplinary action in
24 that he practiced psychology without a valid license in violation of section 2903 (c) in that:

25 A. Complainant realleges paragraph 5 above and incorporates it by
26 reference herein.

27 B. At the time respondent supplied psychological services to the Senior
28 Psychology Services organization the probation on his license was tolled for failure to

1 comply with the probationary conditions, and he did not have a valid license to practice
2 psychology.

3 SECOND CAUSE FOR DISCIPLINE

4 (Dishonest Acts)

5 7. Respondent Clifford S. Marks, Ph.D. is further subject to disciplinary
6 action in that he committed dishonest acts within the meaning of section 2960 (n) in that:

7 A. Complainant realleges paragraph 5 above and incorporates it by
8 reference herein.

9 B. At the time respondent supplied psychological services to the
10 Senior Psychology Services organization the probation on his license was tolled for
11 failure to comply with the probationary conditions, and he did not have a valid license to
12 practice psychology.

13 C. Prior to his working at Senior Psychology Services, and after having
14 his license suspended and placed on probation, respondent completed an employment
15 application on which he indicated that his professional license had never been suspended,
16 revoked, or otherwise disciplined by the licensing authority of any state.

17 CAUSE FOR REVOCATION OF PROBATION

18 (Violation of Laws and Rules of Practice)

19 8. Respondent Clifford S. Marks, Ph.D., is subject to revocation of probation
20 in that he violated the terms and conditions of probation set forth in the Board's Decision in Case
21 No. D 5334 that required him to comply with certain conditions of probation, which respondent
22 has refused to do resulting in his probation period being tolled, and thereby precluding him from
23 practicing psychology in California.

24 PRAYER

25 WHEREFORE, complainant requests that the Board hold a hearing on the matters
26 alleged herein, and that following said hearing, the Board issue a decision:

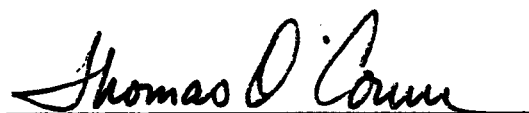
27 1. Revoking or suspending Psychologist's License no. PSY 3549, heretofore
28 issued to respondent Clifford S. Marks, Ph.D.;

2. Imposing the stayed discipline of revocation from the Board's Decision in Case No. D 5334;

3. Directing respondent Clifford S. Marks, Ph.D., to pay to the Board a reasonable sum for its investigative and enforcement costs of this action, and directing respondent, if placed on probation, to pay the costs of probation monitoring; and,

4. Taking such other and further action as the Board deems appropriate to protect the public health, safety and welfare.

DATED: January 18, 2001



Thomas O'Connor
Executive Officer
Board of Psychology
Department of Consumer Affairs
State of California
Complainant

ca:\c:\dat\mam\marks-acc.01/08/01

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation Filed
Against:

Clifford S. Marks, Ph.D.

No. : W200

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Clifford S. Marks, Ph.D.
3650 Clairemont Dr., #5B
San Diego, CA 92117

7099 3400 0002 4471 5180

Clifford S. Marks, Ph.D.
4305 Gesner Street, #340
San Diego, CA 92117


7099 3400 0002 4471 5159

Mary Agnes Matyzewski
Deputy Attorney General
110 West A St., Ste. 1100
San Diego, CA 92186-5266

Each said envelope was then on, July 13, 2001, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, July 13, 2001, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst